coupling the human presence detector to the temperature controlled device such that the temperature controlled device is controlled based on a human presence status.

18. A method for fabricating a control unit for a temperature controlled device, said method comprising the steps of:

providing a control unit; and

coupling a human detector in an area distant to the control unit such that the control unit controls the temperature controlled device based on a human presence status.

Remarks

The Office Action mailed December 5, 2002 has been carefully reviewed and the foregoing amendment has been made in consequence thereof. Submitted herewith is a Submission of Marked Up Claims.

Claims 1, 3, 6-7, 14-16, and 18 are now pending in this application. Claims 1, 3, 5-7, 14-16, and 18 stand rejected. Claim 5 has been canceled.

The rejection of Claims 1, 6, 7, 14, 16, and 18 under 35 U.S.C. § 102(e) as being anticipated by Schanin is respectfully traversed.

Schanin describes a refrigerator soda vending machine (AP1) that includes a thermo-sensor (T1) for monitoring temperature within a refrigerated chamber (30) and a sensor (OC) for monitoring occupancy in the vicinity of the chamber. A cooling system (40) is used to keep the chamber and its contents chilled and is controlled by a controller (60). The controller monitors input from the thermo-sensor and is pre-programmed with lower and upper threshold temperatures. The vending machine has an active mode and a power-conservation mode. A default program determines the mode based on occupancy as indicated by the occupancy sensor and chamber temperature as indicated by the thermo-sensor. The chamber is divided into a cool zone (CZ) and a warm zone (WZ), thereby stratifying chamber items.

Claim 1 recites a method for operating a temperature controlled device, wherein the method includes the steps of "detecting a human presence status, wherein the human presence is in an area distant to the temperature control device...controlling the temperature controlled device at a first temperature when the detected status is human present...and controlling the